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2007 MAY 21 P2-48 T-617-227-8992

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U.S. DISTRICT COURT
DISTRICT OF MASS.

*ALSO ADMITTED IN DC AND CA

May 18, 2007

Ms. Lisa Urso
Courtroom Clerk
United States District Court
for the District of Massachusetts
Joseph Moakley Courthouse
One Courthouse Way
Boston, MA 02210

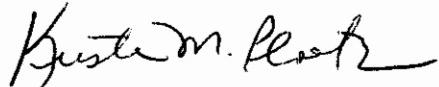
RE: Barbara Deighton Haupt, Trustee, BD Realty Trust v. Town of Wareham et al.
U.S. District Court for the District of Massachusetts, Civil Action No.: 05-11745RWZ

Dear Ms. Urso:

As requested per our telephone conversation today, enclosed please find the Bill of Costs in the above-referenced matter which is being returned to you for your further endorsement of the Declaration, specifically the amount of costs allowed by the Court which was inadvertently left blank. Once you have completed the Declaration, kindly remit same back to the undersigned.

Thank you for your attention to this matter.

Sincerely,



Kristen M. Ploetz, Esq.

KMP/kmp

Encl.

cc: Jeffrey T. Angley, Esq.
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UNITED STATES DISTRICT COURT
 District of **Massachusetts**

**FILED
IN CLERKS OFFICE**

Barbara Deighton Haupt, Trustee of BD Realty

V.

Town of Wareham et al.

2001 MAY -4 P 12:04

BILL OF COSTS

**U.S. DISTRICT COURT
DISTRICT OF MASS.**

Case Number: 05-11745RWZ

Judgment having been entered in the above entitled action on _____
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 250.00
Fees for service of summons and subpoena	98.90
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	0.00
Fees and disbursements for printing	2,955.10
Fees for witnesses (itemize on page two)	169.68
Fees for exemplification and copies of papers necessarily obtained for use in the case	0.00
Docket fees under 28 U.S.C. 1923	0.00
Costs as shown on Mandate of Court of Appeals	0.00
Compensation of court-appointed experts	0.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	0.00
Other costs (please itemize)	0.00
TOTAL	\$ 3,473.68

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service by e-mail as set forth below and/or.



Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Kristen M. Ploetz

Name of Attorney: Kristen M. Ploetz, Esq.

For: Barbara Deighton Haupt, Trustee of BD Realty Trust

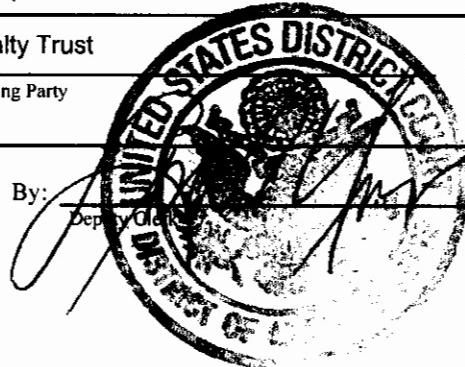
Name of Claiming Party

Costs are taxed in the amount of _____

Date: 5/3/2007

and included in the judgment.

SARAH A. THORNTON
 Clerk of Court



5/17/07
 Date

UNITED STATES DISTRICT COURT

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Steven G. Elliott	1	40.00	0	0.00	0	0.00	\$40.00
Lenore White	1	40.00	0	0.00	19	21.18	\$61.18
Bradley C. McKenzie	1	40.00	0	0.00	60	28.50	\$68.50
							\$0.00
							\$0.00
							\$0.00
						TOTAL	\$169.68

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."